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5
6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
7

8 LINDA SAVOY,)
9 Plaintiff,) No.
10 vs.)
11 DIVERSIFIED CONSULTANTS,)
INC., a foreign corporation)
12 Defendant.)

JURY DEMANDED

13
14 COMPLAINT

15 JURISDICTION

16 1. The jurisdiction of this Court attains pursuant to the
17 FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,
18 and the doctrine of supplemental jurisdiction. Venue lies in the
19 Southern Division of the Judicial District of Nevada as Plaintiff's
20 claims arose from acts of the Defendant(s) perpetrated therein.
21

22 PRELIMINARY STATEMENT

23 2. This action is instituted in accordance with and to
24 remedy Defendant's violations of the Federal Fair Debt Collection
25 Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and
26 of related state law obligations brought as supplemental claims
27 hereto.
28

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PARTIES

6. Defendant, Diversified Consultants, Inc., is a foreign corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Jacksonville, FL, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

9. Plaintiff is 71 years old and quite ill.

2

1 11. The alleged debt underlying this action stems from
2 Plaintiff's former account with T-Mobile.

3 12. In March, 2013 Plaintiff was rushed to the Hospital.

4 13. Plaintiff first attempted to use her T-Mobile service to
5 contact 911.

6 14. The T-Mobile service serially failed.

7 15. Fortunately, Plaintiff's nurse arrived and had Plaintiff
8 moved to Hospital.

9 16. As a result, Plaintiff terminated her service with T-
10 Mobile.

11 17. Defendant began to call Plaintiff during July, 2013.

12 18. Defendant's representatives demanded Plaintiff pay in
13 excess of \$400.00.

14 19. Plaintiff refused advising she had no money and that she
15 had previously terminated her contract with T-Mobile for its
16 failure to provide reasonable service when Plaintiff needed it
17 most.

18 20. Defendant's representatives continued to call despite
19 Plaintiff's refusals and requests they cease and desist.

20 21. Plaintiff previously requested Defendant send her its
21 demand in writing.

22 22. Defendant's collector *refused* and to date Plaintiff has
23 received *nothing* in writing from Defendant in violation of FDCPA
24 § 1692g(a).

25 23. Plaintiff has lived at her present address for thirteen
26 (13) years.

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24. Defendant's continued phone contacts to Plaintiff, at times and at a place known to be inconvenient to Plaintiff, were made in violation of FDCPA § 1692c(a)(1). Fox v. Citicorp Credit Services, Inc., 15 F.3d 1507, 1516, fn. 10 (9th Cir. 1994), Austin v. Great Lakes Collection Bureau, Inc., 834 F. Supp. 557, 559 (D. Conn. 1993).

25. The Defendant's repeated recalls to Plaintiff constituted harassment in violation of FDCPA §§ 1692d and 1692d(5). Fox v. Citicorp Credit Services, Inc., 15 F.3d 1507, 1516 (9th Cir. 1994), Bingham v. Collection Bureau, Inc., 505 F. Supp. 864, 873 (1981), Kuhn v. Account Control Technology, Inc., 865 F. Supp. 1443, 1452-53 (D. Nev. 1994).

26. The foregoing acts and omissions of Defendant were undertaken by it willfully, maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of Plaintiff.

27. Indeed, the foregoing acts and omissions of Defendant were undertaken by it indiscriminately and persistently, as part of its regular and routine debt collection efforts, and without regard to or consideration of the identity or rights of Plaintiff.

28. As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an amount to be proven at trial.

29. As a result of the foregoing acts and omissions of Defendant, and in order to punish Defendant for its outrageous and malicious conduct, as well as to deter it from committing similar

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1 acts in the future as part of its debt collection efforts,
2 Plaintiff is entitled to recover punitive damages in an amount to
3 be proven at trial.

4
5 CAUSES OF ACTION

6 COUNT I

7 30. The foregoing acts and omissions of Defendant constitute
8 violations of the FDCPA, including, but not limited to, Sections
9 1692c, 1692d, 1692e, 1692f and 1692g.

10 31. Plaintiff is entitled to recover statutory damages,
11 actual damages, reasonable attorney's fees, and costs.

12
13 COUNT II

14 32. The foregoing acts and omissions constitute unreasonable
15 debt collection practices in violation of the doctrine of Invasion
16 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.
17 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*
18 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

19 33. Plaintiff is entitled to recover actual damages as well
20 as punitive damages in an amount to be proven at trial.

21
22 JURY DEMANDED

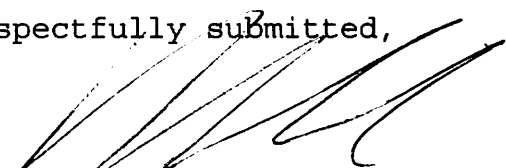
23 Plaintiff hereby demands trial by a jury on all issues so
24 triable.

25 WHEREFORE, Plaintiff prays that this Honorable Court grant the
26 following relief:

- 27 1. Award actual damages.
28 2. Award punitive damages.

- 1 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.
- 2 § 1692k.
- 3 4. Award reasonable attorney fees.
- 4 5. Award costs.
- 5 6. Grant such other and further relief as it deems just and
- 6 proper.

7 Respectfully submitted,

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9 _____
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